**FLINTSHIRE COUNTY COUNCIL**

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| **REPORT TO:** | **PLANNING COMMITTEE** |
| **DATE:** | **29th MARCH 2023** |
| **REPORT BY:** | **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)** |
| **SUBJECT:** | **THE ERECTION OF A SOLID RECOVERED FUEL FACILITY, TOGETHER WITH ANCILLARY DEVELOPMENT INCLUDING AN ELECTRICITY/POWER ROOM, PIPELINE AND CONVEYOR SYSTEM.** |
| **APPLICATION NUMBER:** | **FUL/000562/22** |
| **APPLICANT:** | **HANSON UK** |
| **SITE:** | **PADESWOOD CEMENT WORKS, PADESWOOD** |
| **APPLICATION VALID DATE:** | **14TH OCTOBER 2022** |
| **LOCAL MEMBERS:** | **CLLR RICHARD JONES**<br>**CLLR ARNOLD WOOLLEY** |
| **TOWN/COMMUNITY COUNCIL:** | **BUCKLEY COMMUNITY COUNCIL** |
| **REASON FOR COMMITTEE:** | **HEIGHT EXCEED SCHEME OF DELIGATION** |
| **SITE VISIT:** | **NO** |

## 1.00 SUMMARY

1.01 This is a full application for the erection of a Solid Fuel Recovery (SRF) facility, together with ancillary development including an electricity/power room, pipeline and conveyor system. The proposed development will refine SRF to make it suitable for use in the main burner, as a replacement for coal. The development is located within the existing cement works complex.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-**

2.01

1. Commencement
2. In accordance with submitted plans
3. Hours of working -construction and commissioning stage
4. House of working -operational
5. Biosecurity scheme
6. Statutory protected species reasonable avoidance measures
7. Facilities for the parking and turning of vehicles
8. Ground Contamination
9. Piling details

**3.00 CONSULTATIONS**

3.01 **Local Member Cllr A Woolley:** Agreed to determination under delegated powers.

**Local Member Cllr R Jones:** No response at the time of writing.

**Adjacent Ward Member Cllr R Wakelam:** No response at the time of writing.

**Adjacent Ward Member Cllr A Ibbotson:** No response at the time of writing.

**Buckley Town Council:** No observations

**Penyfforrdd Community Council:** No response at the time of writing.

**Highways:** The detail submitted indicates the proposal potentially increases HGV movements to and from the site by 8 x 25 tonne wagons over a 24-hour period. Given the size of the site and the background flows associated with the existing use. Highways Development Control have to objection subject to facilities within the site for the loading, unloading, parking and turning of vehicles are secured via condition.

**Rights of Way:** Whilst a public footpath crosses the edge of the cement works, it is unaffected by the proposed development.

**Ecology:** No objection subject to conditions.

**Community and Business Protection:** The submitted assessment indicates that predicted noise levels from this proposal will have a low adverse impact on nearby residential properties according to BS4142. The increase in noise levels compared to

existing noise levels from the site are predicted to be negligible and probably not perceivable at nearby properties. Environmental Health have raised no objections to this proposal in relation to noise, dust or contaminated land.

**Natural Resources Wales:** Natural Resources Wales has reviewed the proposal and has concerns about the application. However, these concerns can be addressed by attaching conditions to any planning permission granted, specifically addressing ground contamination. Additionally, the Enfys Ecology letter statement (dated 3 July 2022) on Great Crested Newts (GCN) should be included in the approved plans and documents condition on the decision notice

**Airbus:** Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014 and has identified that the proposed development does not conflict with safeguarding criteria. They have no aerodrome safeguarding objection to the proposal based on the information given.

## 4.00 PUBLICITY

4.01 36 Neighbour Notifications were sent to adjoining/nearby properties. The application was also publicised by way of Site Notice.

Three letters of objection have been received which can be summarised as follows:

1. Additional development at the cement works may intensify existing issues, such as noise, dust, and air quality concerns.
2. Area is potentially prone to flooding.
3. Transportation of SRF to the site may lead to an increased number of HGVs entering and exiting the site, potentially causing ground vibration and increased noise levels.
4. The facility is expected to generate considerable heat, with no apparent consideration for community heating solutions.
5. Potential increase in HGV traffic, pollution, plant noise, and visual impact could negatively affect the value of neighbouring properties.
6. The proposed development may have adverse effects on the mental well-being of nearby residents.
7. Existing development is already impacting the income and enjoyment of property for nearby residents, which could be further exacerbated by the proposed development.

8. Protections for wildlife and protected species appear to be insufficient.

## 5.00 SITE HISTORY

5.01

- Planning application 044703: Extension to existing coal store; Approved 16/06/09.
- Planning application 052205: Extend existing packing plant building, demolition, and new replacement building; Approved 31/07/14.
- Planning application 052927: Erection of solid recovered fuel reception facility; Approved 7/01/15.
- Planning application 055420: New building to extend existing warehouse, hard standing area, and new entry/exit road; Approved 12/07/16.
- Planning application 057319: Prior notification of proposed demolition; Approved 11/08/17.
- Planning application 057343: Demolition of existing facilities, erection of new Vertical Roller Mill, rail loading facility, and railway line modifications; Approved 29/11/17.
- Planning application 058200: Approval of details reserved by condition nos. 4, 6, 8, 15, and 19 attached to planning permission ref: 057343; Approved 11/05/18.
- Planning application 058637: Extension to existing warehouse (retrospective); Approved 25/09/18.
- Planning application 058689: Approval of details reserved by condition nos. 17 and 18 attached to planning permission ref. 057343; Approved 1/10/18.

## 6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan

STR2: The Location of Development
STR5: Transport and Accessibility
STR4: Principles of Sustainable Development, Design and Placemaking
STR8: Employment Land Provision
STR14: Climate Change and Environmental Protection
STR15: Waste Management
PC1: The Relationship of Development to Settlement Boundaries
PC2: General Requirements for Development
PC3: Design
EN18: Pollution and Nuisance

EN19: Managing Waste Sustainability
EN22: Criteria for Waste Management Facilities and Operations

Supplementary Planning Guidance

Supplementary Guidance Note 3: Landscaping
Supplementary Guidance Note 8:Nature Conservation and Development
Supplementary Guidance Note 29: Management of Surface Water for New Development

National Planning Policy and Advice

Planning Policy Wales Edition 11
Technical Advice Note 5 – Nature Conservation and Planning
Technical Advice Note 11 – Noise
Technical Advice Note 12 – Design
Technical Advice Note 18 – Transport
Technical Advice Note 21 – Waste
Technical Advice Note 23 – Economic Development

## 7.00 PLANNING APPRAISAL

### Proposed Development

7.01 The proposed development is located within an existing cement works, occupying an area that currently serves as a lorry trailer parking area, an internal access road, and an electricity substation.

7.02 The application seeks to utilise Solid Recovered Fuel (SRF) as an alternative fuel source. SRF is a type of fuel produced from the mechanical and biological treatment of waste materials. It's a saleable product that can be purchased on the market and used as a fuel source. The proposed development aims to refine SRF to make it suitable for use in the main burner, with smaller particulate being used in the main burner and larger particulate either used in the existing SRF burner or sold back to the market.

7.03 SRF is already being imported and used as a fuel source at the cement works. However, by refining the SRF on site, the cement works can have greater control over the quality and composition of the fuel. Additionally, by separating the larger and smaller particulate, the cement works can optimize the use of the fuel, minimizing waste. Although SRF is still defined as waste, it has already gone through an initial treatment process to recover valuable materials.

7.04 The development includes several key components, with the largest being a screening and dosing building measuring 308m2 (23.4m in

height). This building will house material handling equipment, including an air density separator for separating the high and low-density fractions of SRF material. A reception building will also be constructed, covering an area of approximately 336m2 (9.4m in height). This building will feature two trailer docking stations for unloading HGV delivery vehicles that contain SRF material. An electricity/power room will also be included, housed within a small steel container measuring approximately 21m2 (2.9m in height).

7.05 An enclosed chain conveyor will link the reception building to the screening and dosing building, and a pipeline will connect the screening and dosing building to the entry point into the main burner building. The SRF material will be transported to the site in walking floor trailers and docked at one of two trailer docking stations in the reception building. The material will then be screened for oversized components and separated into light and heavy materials using an air/density separator. The light material will be fed pneumatically via pipeline to the main burner entry point, while the heavier material will be stored in a walking floor storage trailer for transport to an existing calciner feed SRF facility or back to the supplier.

7.06 Overall, the expected operational performance of the facility is 5 tonnes per hour, up to a maximum of 47,500 tonnes per annum.

**Site and Surroundings**

7.07 The development site is located within the Castle Cement (Hanson Cement UK) Padeswood Cement Works (the works) which covers a developed area of approximately 80 hectares. The works are located off the A5118 highway which borders the northern part of the works, and at its closest, it is approximately 800 metres to the south of the southern edge of the settlement of Buckley on higher ground, and 400 metres to the west of the western edge of the settlement of Penyffordd and Penymynydd. The settlement of Padeswood is immediately north of the works and forms its frontage.

7.08 The works are set in open countryside in a rural agricultural setting with increasing urbanisation of the settlements to the north and east.

7.09 The Bidston to Wrexham railway line runs north-south and borders the eastern boundary of the site. The southern boundary of the works is bordered by the disused Chester to Mold railway line. A small number of isolated dwellings and farmhouses are also located around the site.

**Principle of Development and Need**

7.10 Policy EN22 of the Flintshire Local Development Plan outlines the criteria that must be met for new waste management facilities. The

policy allows for proposals that would move waste management up the waste hierarchy or address an identified regional need for the facility type, as set out in Technical Advice Note 21: Waste.

7.11 TAN 21 advises that where wastes cannot be recycled, other waste recovery operations should be encouraged and that decisions should be made taking into account the waste hierarchy.

7.12 The proposal seeks to utilises Solid Recovered Fuel which is a type of fuel that is produced from waste materials through a mechanical and/or biological treatment process. The waste materials used to produce SRF can include non-recyclable plastics, paper, wood, and other materials that would otherwise be sent to landfill or incinerated. SRF has a higher calorific value than traditional fossil fuels, such as coal or gas, and can be used as a substitute for these fuels in industrial processes or energy production. The SRF will be imported to site, and further refined to allow for use as a fuel within the main burner. SRF is considered to be a sustainable fuel source as it diverts waste from landfill and reduces reliance on finite fossil fuels.

7.13 The proposed development would move the management of waste up the waste hierarchy and utilise materials which can be recovered which would otherwise be disposed of in landfill.

**Visual and Landscape Impact**

7.14 Policy EN4 of the Flintshire Local Development requires that new development should not have a significant negative effect on the landscape's character and appearance, and landscaping and mitigation measures should aim to minimize the impact and, where feasible, improve the landscape.

7.15 The new buildings have been designed to blend in with the existing structures at the cement works as they will be constructed using steel frames and clad in plastisol-coated steel sheeting painted to match surrounding buildings. In isolation the proposed structures and buildings are a significant scale, however, they must be assessed against the site context and backdrop of a major cement works. The adjacent main burner building is of a similar height to the proposed screening and dosing building (23.4m in height). The two tallest structures on site are the main stack, measuring 109m, and mill 5, which measures 47m.

7.16 Translucent sheets will be installed on the west and south elevations to allow natural light while maintaining consistency with the cladding on existing structures. The stack, used to release filtered air, will be made of steel and coated with corrosion-resistant paint. Directional lighting will be used to minimize light pollution, and a proposed lighting plan has been submitted with the application.

7.17 It is considered that the proposed development will not have a significant negative effect on the landscape's character and appearance and is therefore in accordance with LDP Policy EN4.

**Surface Water Management**

7.18 The existing drainage network captures rainwater and surface water run-off and stores it in the works lagoon. From there, water is pumped to the site storage tanks for use in cement making. Any excess water is discharged via the works lagoon to a tributary of Black Brook or directed to the sewer from the lorry wash out area. The cement works has implemented a water balancing plan under a sustainability initiative to minimize water consumption and maximize the use of captured rainwater/surface water run-off in the cement-making process. As the current surface water drainage arrangements are well established, no modifications are proposed.

**Economic Development**

7.19 Although the development would not create new jobs, the development represents a £4 million investments in the cement work. This would both reduce the production of carbon dioxide (CO2), and enhance the cement works' commercial competitiveness, thereby ensuring the job security of the existing 177 employees. The development would also indirectly support local businesses and contractors, including those involved in plant and machinery repair, maintenance, and hire, as well as those involved in general work.

**Ecology**

7.20 Policy EN6 of the Flintshire Local Development Plan states that development proposals that could have a significant negative effect on designated local sites or those with biodiversity and/or geological interest, including priority species, will only be permitted if: a) the need for development outweighs the site's ecological or geological importance; b) there are no reasonable alternative locations; and c) effective mitigation measures are implemented to minimize harm and ensure no overall reduction in biodiversity value. If mitigation is not possible, compensation measures should be provided to create, restore, and enhance biodiversity.

7.21 The application has been subject to consultation with both NRW and the County Ecologist. The proposed development represents a low risk for Great Crested Newts (GCN), which are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). In 2017, a European Protect Species license was granted for CGN as part of the Mill 5 development. The license permits the collection and release of GCNs found in areas within the

cement works, such as cable tunnels, to suitable habitats outside the cement works' footprint, close to the source ponds within the wider site. This measure ensures the safety of GCNs that may enter the cement works from the surrounding area. The application is supported by an Ecological Appraisal which determined that the proposed works would not remove any suitable GCN habitats or negatively impact GCN populations on the site. If GCNs are present within the works area, the requirements of the existing license will be adhered to in order to minimize risks to individual GCNs.

7.22 The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation. The proposed development is not expected to increase phosphorus levels in the catchment, and therefore, it is not likely to have a significant effect on the River Dee and Bala Lake SAC.

7.23 It is considered that the proposed development will not have a significant negative effect on designated local sites or protected species, and is therefore in accordance with LPD Policy EN6

**Traffic and Highways Impact**

7.24 The proposed development is expected to produce around eight loads per 24-hour period, utilizing HGVs with a 25-tonne capacity. Currently, the site experiences roughly 300 HGV movements daily. The use of SRF will reduce the amount of other fuels currently being utilised. It is considered that the proposed development will not have a significant negative effect on highway network and is therefore in accordance with LPD Policy STR5.

**Noise and Air Quality**

7.25 A noise assessment has been carried out to determine the impacts of operating the SRF facility. It is concluded that the tonal characteristics of the proposal would be indiscernible from the existing situation. The increase in HGV traffic is also of no significant consequence, given the existing traffic movements. Construction noise is also predicted to be below the thresholds in BS5228 at the nearest sensitive receptors. Monitoring of the existing and proposed development would be controlled via the Environmental Permit.

7.26 SRF produces lower emissions to coal and will utilise the existing burner with its associated air quality mitigation measures. Air quality also falls within the remit of the Environmental Permit, with air monitoring of the existing cement works is currently being undertaken as a requirement of the permit.

7.27 On this basis that the development will not give rise to any significant increase in noise or air quality levels, it is considered that the proposal accords with policies EN18: Pollution and Nuisance,

EN19: Managing Waste Sustainability, EN22: Criteria for Waste Management Facilities and Operations with respect to noise.

**Monitoring and Regulation**

7.28 A number of comments and queries have been made regarding the on-site and off-site monitoring of noise and in particular, dust and other emissions from the works. The new development will require a variation of the Environmental Permit for the site, as well as a planning permission, and the permitting regime is a separate regulatory regime under the jurisdiction of Natural Resources Wales. Government advice and court decisions all advise regulators not to attempt to substitute their own controls where these are the responsibility of another regulator. Any such attempt to impose controls which are the function of another regulator are open to challenge.

7.29 In some instances there is a degree of overlap between the planning and the permitting regime, however, in the instance of Padeswood cement works, the permit covers the entirety of the works and all processes as it is a major installation.

7.30 The permit requires continuous improvement, and it is noted that there has been a reduction in both noise levels from the site and the intensity of dust releases, and particularly in the past few years, leading to a reduction in complaints made to NRW and the cement works. There have been episodes of breakdowns, maintenance failures, human error, which lead to localised nuisance dust, but this is reducing and the works are generally well managed.

## 8.00 CONCLUSION

The development will provide a more sustainable means of powering the site, divert waste from landfill and reduce reliance on fossil fuels. There are no significant additional impacts as a result of the proposed development over and above those already associated with a major cement works, and these can be managed and controlled by planning conditions or will be controlled by the Environmental Permit for the site regulated by Natural Resources Wales. This is a major investment which will safeguard employment and manufacturing capacity of this plant in Flintshire. Recommend that planning permission is approved with conditions attached.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**
Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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